



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Wayne H. Norman,

Plaintiff,

TD Auto Finance, LLC,

Defendant.

Case: 2:17-cv-12516
Judge: Borman, Paul D.
MJ: Whalen, R. Steven
Filed: 08-02-2017 At 10:34 AM
CMP NORMAN v TD AUTO FINANCE, LLC (dat)

ORIGINAL COMPLAINT

JURISDICTION

1. This Court has jurisdiction under 15 U.S.C. section 1681p and 28 U.S.C. section 1331.
2. All conditions precedent to the bringing of this action has been performed.

PARTIES

3. The Plaintiff in this lawsuit is Wayne H. Norman, a natural person who resides in Downers Grove, Illinois.
4. The Defendant in this lawsuit is TD Auto Finance, LLC, a banking institution with a corporate office located at 27777 Inkster Road Farmington Hills, Michigan 48331.

VENUE

5. The occurrences that give rise to this action occurred in Illinois.
6. Venue is proper in the Eastern District of Michigan, Southern Division, as the Defendants headquarters is in Michigan.

GENERAL ALLEGATIONS

7. Plaintiff received a notification on October 19th, 2016 from "CreditKarma" that his consumer credit report had been obtained by the Defendant.
8. After reviewing his consumer report, Plaintiff determined that his consumer credit report had been obtained on October 17th, 2016 by the Defendant without his permission.
9. Due to a previous data breach, Plaintiff's personal information had been compromised and Plaintiff had placed an Identification Theft Fraud alert on his consumer file. Therefore, any company obtaining such report is directed to contact Plaintiff via his cellular phone before any authorization can be made. This did not happen.
10. The inquiry substantially effected Plaintiffs credit score as it is described in credit terms as a "hard pull". "Hard pulls" or "regular inquiries" significantly impact a consumer's credit score.

11. Discovery of violations brought forth herein occurred on October 20th, 2016, and are within the statute of limitations as defined in the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. section 1681p.

COUNT I

VIOLATION OF THE FAIR CREDIT REPORTING ACT ("FCRA")

15 U.S.C. SECTION 1681

12. Paragraphs 1 through 11 are realleged as though fully set forth herein.

13. Plaintiff is a consumer within the meaning of the ("FCRA"), 15 U.S.C. section 1681a(c).

14. A consumer credit report is a consumer report within the meaning of the ("FCRA"), 15 U.S.C. section 1681a(d).

15. The ("FCRA"), 15 U.S.C. section 1681b defines the permissible purposes for which a person may obtain a consumer report.

16. Such permissible purposes as defined by 15 U.S.C. section 1681b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or is offered a bona fide offer of credit as a result of the inquiry.

17. Plaintiff has never had any business dealings or any accounts with, made application for credit from, made application for employment with, applied for

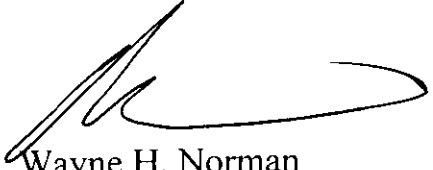
insurance from, or received a bona fide offer of credit from the Defendant TD Auto Finance, LLC.

18. At no time did Plaintiff give his consent for the Defendant to acquire his consumer credit file from any credit-reporting agency, and as a result of such violation, Plaintiff was harmed because his "FICO" score dropped two points..

19. On October 17, 2016, the Defendant obtained the TransUnion credit report for the Plaintiff without a permissible purpose in violation of the ("FCRA"), 15 U.S.C. section 1681b.

20. The action of the Defendant, obtaining the consumer report of the Plaintiff without a permissible purpose or Plaintiff's consent was a willful violation of the ("FCRA"), 15 U.S.C. section 1681b, and an egregious violation of Plaintiff's right to privacy.

WHEREFORE, Plaintiff demands judgment for damages against the Defendant, TD Auto Finance, LLC, for statutory damages of \$1,000 dollars pursuant to section 1681n of the Fair Credit Reporting Act.



Wayne H. Norman

3010 Finley

Downers Grove, Illinois 60515

whnorman@hotmail.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WAYNE NORMAN

(b) County of Residence of First Listed Plaintiff DUPAGE
(EXCEPT IN U.S. PLAINTIFF CASES)

3010 FINLEY DR

(c) Attorneys (Firm Name, Address, and Telephone Number)

DOWNERS GROVE, IL 60575

DEFENDANTS

TD FINANCE, LLC

County of Residence of First Listed Defendant OAKLAND
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Atto Case: 2:17-cv-12516
 Judge: Borman, Paul D.
 MJ: Whalen, R. Steven
 Filed: 08-02-2017 At 10:34 AM
 CMP NORMAN v TD AUTO FINANCE, LLC (dat)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZEN (For Divor)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☒ 4
 Citizen of Another State ☒ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
 Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1681
 Brief description of cause:
 VIOLATION OF THE FCRA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

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New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input checked="" type="checkbox"/> Two (2) completed Civil Cover Sheets.	Case: 2:17-cv-12516 Judge: Borman, Paul D. MJ: Whalen, R. Steven Filed: 08-02-2017 At 10:34 AM CMP NORMAN v TD AUTO FINANCE, LLC (dat)
<input checked="" type="checkbox"/> Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center; margin-right: 10px;"> <u>1</u> # of Defendants </div> <div style="text-align: center; margin-right: 10px;"> + 2 = <u>3</u> Total </div> <div>Complaints.</div> </div> <div style="margin-top: 10px;"> Received by Clerk: <u>DT</u> Addresses are complete: <input checked="" type="checkbox"/> </div>	

<input type="checkbox"/> If any of your defendants are government agencies : Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.	
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If Paying The Filing Fee:	If Asking That The Filing Fee Be Waived:
<input type="checkbox"/> Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center; margin-top: 10px;">Clerk, U.S. District Court</div> <div style="margin-top: 10px;"> Received by Clerk: _____ Receipt #: _____ </div>	<input checked="" type="checkbox"/> Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms. <div style="text-align: center; margin-top: 10px;"> </div> <div style="margin-top: 10px;"> Received by Clerk: _____ </div>

Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self	Service by U.S. Marshal (Only available if fee is waived)	Service via Waiver of Summons (U.S. Government cannot be a defendant)
<input checked="" type="checkbox"/> Two (2) completed summonses for each defendant including each defendant's name and address. <div style="text-align: center; margin-top: 10px;"> </div> <div style="margin-top: 10px;"> Received by Clerk: _____ </div>	<input checked="" type="checkbox"/> Two (2) completed USM - 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <input checked="" type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form. <div style="text-align: center; margin-top: 10px;"> </div> <div style="margin-top: 10px;"> Received by Clerk: _____ </div>	<input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. <div style="margin-top: 10px;"> Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants. </div>

Clerk's Office Use Only

Note any deficiencies here: